

Footscep, blotting, and printing paper
Nails, rose heads and chisel points
Grindstones, English
Welch and north country patent fuel, " War
lichs."
J. B. AND G. WERE,
Circular Whar

<http://nla.gov.au/nla.news-page1511058>

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charges of petty larceny upon any pretence, if they were the greatest pest to the community. The freedom of the Press was most desirable, but the tyranny of the Press was the worst of tyrannies. The documents which had been placed in evidence for the defence had no real bearing upon the case. They only proved that there had been a charge against Mr. Egan, with which Mr. Thurlow had been charged, and that Mr. Thurlow had conducted their newspaper well. That it was such a paper as to be a credit to the colony. But on this occasion they had suffered themselves to be carried away by a confused and unmeaning attack upon the defence, for the defence had upon a gentleman to whom they were opposed. The Jury would be constrained to say that the defendants had been guilty on this occasion of passing beyond their proper limits, and had been placed in evidence considered themselves liable to conviction under the information.

His Honor told the Jury that he should leave them to say whether this letter was or was not a libel, and that if it was not a libel, a lawful excuse, which was likely to injure another, by exposing him to hatred, contempt, or ridicule, would be a libel. It was for the Jury to decide whether the publication in question was or was not a libel, and if it was a libel, whether the defendants were persons in a station of high respectability. The defendants, it was admitted, had not been in the practice of publishing upon individuals, but that they would not shield themselves from the consequences of their act if they were adjudged to have willfully published a libel on this occasion.

It was not necessary that there should be any libelous matter in the paper. In point of law, libel would be proved if it appeared that the sequence of the publication was to injure Mr. Thurlow in either of the ways before mentioned. He would call attention to the circumstances under which the letter appeared in the letter of Mr. Egan, appeared for the most part to be a reply to the report of the Select Committee which had been previously published, and which bore the signature of Mr. Thurlow as chairman, and to the fact that the report there were statements from which it might be inferred that Mr. Egan had had an opportunity of taking these documents. The *Herald*, subsequently to the publication of this letter, had set on foot a course to explain the circumstances alluded to, and the letter professed to be a response to this call. He necessarily, therefore, referred to the report of the Committee of which Mr. Thurlow was chairman, and to the fact that the defendants' own conclusions as to the meaning of the disputed passages, and as to whether the innuendoes were made out or not. They might accept or reject at pleasure the evidence of the witnesses, but he would leave them to explain the argument of justification, he was unable to see anything in the present case to take it out of the ordinary rule, or to warrant the defendants in publishing a libel, if without any such excuse, they had published the letter.

The Jury, after having retired for about half-an-hour, found a verdict of guilty against both the defendants, who are to appear at ten o'clock this morning to receive judgment. No bail was taken, and it was expected that the defendants that they would attend being deemed sufficient. Court adjourned until ten o'clock this morning.

DOMESTIC INTELLIGENCE.

INSOLVENT COURT.

FRIDAY.

BEFORE W. H. KERR, Esq., Chief Commissioner of the Insolvent Court.

In the estate of Edward O'Hara, a civil meeting was held. One claim, £19 6s. 3d. was proved, and the meeting adjourned until the 10th instant.

BEFORE W. H. KERR, Esq., Chief Commissioner of the Insolvent Court.

In the estate of Samuel Terry Hughes, an adjourned special meeting, on the subject of Mr. Evoy's claim, at half-past 10 o'clock.

THE GOLD DIGGING.

A MEMORIAL, of which the following is a copy, is in circulation, and we believe has obtained signatures :—

To His Excellency Sir Charles Augustus Fitz Roy, Governor of the Colony, and to the Right Honorable Sir John Galt, Captain General and Governor-in-Chief, of the Territory of New South Wales, and the Honorable Sir James W. Adams, of the same, &c., &c.

We, the undersigned, who are of the Colony of New South Wales, having a deep stake in the welfare of the colony, feel ourselves called upon to approach your Excellency in the present state of affairs, and to urge, on your part, by large numbers of the inhabitants of the town and country, who are engaged in the gold mining and in the search for gold. We desire to renew the assurance of our loyalty and attachment to His Majesty's Government, and to express our confidence in your Excellency's wisdom and ability to guide the colony to the point of our safety to support, to the utmost of our power, such measures as may uphold the prerogatives of the Crown, and to maintain the integrity of the public property in the precious metals of this vast colony. We desire to express our confidence in your Excellency's wisdom and ability to guide the colony to the point of our safety to support, to the utmost of our power, such measures as may uphold the prerogatives of the Crown, and to maintain the integrity of the public property in the precious metals of this vast colony. We desire to express our confidence in your Excellency's wisdom and ability to guide the colony to the point of our safety to support, to the utmost of our power, such measures as may uphold the prerogatives of the Crown, and to maintain the integrity of the public property in the precious metals of this vast colony.

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men's Act, and had rendered themselves liable to the much heavier punishment provided for the serious offence of unlawfully combining, confederating, and agreeing together to demand a higher rate of wages. It was quite certain that the men who recklessly risked the thirty days' imprisonment, and who knew that, at the expiration of that term, they could proceed to the gold-fields. But they were mistaken; and, if committed for trial in the present case, they would have to serve a very serious one: for, if found guilty by a jury, they would, in all likelihood, be sentenced to hard labour for long periods, with felons, on Cockatoo Island. The men, one and all, said, that if the Bench were to overlook the offence, they would cheerfully go back to their duty. Captain Devlin said, that he had no fault but this to find with his crew, who had been stimulated by a gang that was at this moment inflicting a beating on the seamen, and who were intimidating the seamen from performing their present agreements or making new ones, under threats of personal violence. This gang had acted in an arbitrary and impossible rate of wages; they had not been able to do this without intimidating the seamen from the performance of their present case, were induced to incur the risk of a severe punishment by repudiating their agreements. He, Captain Devlin, had no other course to pursue against his crew, who were able and well behaved, but who were acting under the influence of evil disposed persons. Mr. Inspector Powell stated to the Bench, that he had received information of the doings of the gang in question, whose proceedings would be of long duration, and that he was going to bring the prime movers to justice. Captain Browne and Mr. Campbell severally adverted to the consequences which would ensue if the Bench were to acquit upon the misguided seamen, a class of men who would be laid away, when on shore; and notified the determination of the court to deal with any such offenders according to the severest provisions of the law. The prisoners, having again expressed their intention of being led into so serious a dilemma, were discharged, and at once proceeded on board their ship.

On the 30th, William Whittle, charged with stabbing one Benjamin Blower, on the morning of the 30th ultimo, and who on Tuesday last was remanded until yesterday for the purpose of awaiting the surgeon's report, was again placed at the bar. Captain Browne stated a certificate from Dr. Nathan pronouncing Blower out of danger; and then said, that the Bench having maturely considered the circumstances under which the wound was inflicted, would carry out the sentence of imprisonment, day last, and deal with the case as one of common assault. Still it was desirable to make public, that this decision had been arrived at only by reason of the very singular facts elicited by the case, the murder, and the use of a scuffle of any kind had taken place, previous to the infliction of the wound; and although the production of the knife (even in the jocund manner alleged) was not only a most dangerous, but a very serious offence. The Bench could hardly believe that the prisoner had intended to use it in the manner, which it would seem, he accidentally had done. Had the prisoner lost his life, the situation of the case would have been one of imminent jeopardy. The Bench hoped that this case would operate as a caution to those who recklessly engaged in drunken frolics; and sensibly urged the prisoner to pay a fine of £3, for the use of the Bench, and to be allowed to remain on payment to be imprisoned for six weeks in Darlinghurst Gaol. The prisoner, who expressed deep contrition for the accident, and was glad to have borne a good character, paid the fine, and was discharged.

ASSAULT.—James Speedy, a seaman belonging to the *May Queen*, was convicted of assaulting a shipmate, John Howell, and sentenced to a fine of 20s. and 8s. costs. The quarrel, arising out of a quarrel in the forenoon in respect to the galley-fire, and the consequent violation of the etiquette of the caboose, appeared, in its details, to excite unusual interest, but the Bench, noting the crowd which crowded the police court, and being well assured that the technicalities involved in the description, would be unintelligible to the unprofessional reader.

SPIRITS AND TOBACCO.

Stock on Hand, 31st May.—*Rum*, the produce of sugar: West India, B.P., 93,494 gallons; East India, B.P., and Mauritius, 11,273 gallons; Foreign States, 11,754 gallons; *Arrack*, date and palm-tree rum, and other foreign spirits not otherwise enumerated, 28,859 gallons; brandy, 23,951 gallons; Geneva, 73,436 gallons; whiskey, 30 gallons; British spirits, 300 gallons; British spirits, 7022 gallons; fig and Cavendish tobacco, 78,632 pounds; cigars, 31,747 pounds; snuff, 965 pounds.

Received during the Week.—*Rum*, the produce of sugar: West India, B.P., 9233 gallons; brandy, 232 gallons; Geneva, 1331 gallons; fig and Cavendish tobacco, 13,049 pounds; cigars, 31,990 pounds; snuff, 965 pounds.

Delivered for Home Consumption.—*Rum*, the produce of sugar: West India, B.P., 33,996 gallons; East India, B.P., and Mauritius, 603 gallons; Foreign States, 97 gallons; brandy, 232 gallons; Geneva, 1331 gallons; whiskey, 30 gallons; British spirits, 59 gallons; fig and Cavendish tobacco, 4948 pounds; cigars, 93 pounds.

Delivered for Exportation.—*Rum*, the produce of sugar: West India, B.P., 37,375 gallons; East India, B.P., and Mauritius, 112 gallons; Foreign States, 14 gallons; *Arrack*, date and palm-tree rum, and other foreign spirits not otherwise enumerated, 125 gallons; brandy, 125 gallons; Geneva, 1331 gallons; whiskey, 30 gallons; British spirits, 59 gallons; fig and Cavendish tobacco, 85,781 pounds; cigars, 31,990 pounds; snuff, 965 pounds.

SPIRIT MERCHANTS AND BREWERS.
(From yesterday's Government Gazette.)

SUPPLEMENTAL RETURN of Spirit Merchants and Brewers whose registrations have been notified to the Chief Inspector of Distilleries, since the 1st May, 1851.

SEMI-MERCHANTS.

BRISBANE.—George Raff and Co., and Henry Buckley.

GRATTON.—Edward Greenwood.

NEWCASTLE.—Thomas Baxton, and William Gifford.

RAYMOND TERRACE.—George Pile, Junior.

BREWER.

SCORE.—William Tinning.

JOHN STIRLING.
Chief and Sole Proprietor of Distilleries.
Sydney, 1st June, 1851.

ABSTRACT OF SALES BY AUCTION
THIS DAY.

MR. G. PICKERING.—At his rooms, at 11 o'clock, Chairs, Tables, Bedsteads, Couches, a Bedstead, a Serrings, Bacon, Cheese, Cakes, a Glass, a Bottle of Wine, a Bottle of Sauce, Mustards, Bagnette Breads, Blacksmith's Anvil, Toys, &c.

MR. STEWART.—At the Horse Bazaar, 208, 181, and 182, Market Street, at 11 o'clock, Horses, and Saddle Horses, Gigs, Carts, &c.

THE QUEEN F. PARKES. The prosecutor in this case, Mr. George Hill, being satisfied with the evidence of Mr. Parkes, the words in the article in the *Express* of the 22nd of February last, complained of as libellous, were not used in the sense put upon them in the information, has consented that the defendant should not be charged with libel, and that his recognizances shall be discharged. The case, which was to have been tried to-day, is therefore at an end.

APPOINTMENT. His Excellency the Governor has appointed Adam Clarke Esq. as Magistrate, Esq., to be a Commissioner of Crown Lands.

RICHMOND.—Mr. Richard King has been appointed pound-keeper at Richmond, in the room of the late Mr. James King.

ARMIDALE.—Mr. Thomas Rae has been appointed Bailiff of the Court of Petty Sessions at Armidale, in the room of Lloyd Bradshaw, resigned.

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Mr. Gale, near the Scots Kirk; and as I am a settler from the country called at the "Traveller's Rest," in the same locality, on Monday evening last, and had gone in to get a little refreshment, he came out, his saddle was gone, and he was not five minutes in the house, and a quantity of fleece wool was lately stolen from the premises of R. Craig, cabinet-maker, of the town.

THE AFTER VOYAGE.—As there will be a great many strangers to go through this district to the diggings, we would advise owners of horses to keep a sharp look out; an man induces Mr. Fenwick, of Captain Ross's establishment, to lend him a horse; he put up at Mr. Birch's, and the next evening he was found dead, having quired of him what he gave for the horse, he said £2 10s.; after getting some refreshment he provided himself with some biscuit, and took the horse to the diggings, and had not been heard of since.

COURT OF REQUESTS.—There were about forty cases brought before this Court last Monday; those which were disposed of were not public interest; one or two were adjourned till next day.

GOLD IN AUCKLAND.—It being the current opinion that the precious metal extends the whole length of the Cordillera of Australia, and as that chain passes through the police district, it is thought that it would be advisable, in order to facilitate its discovery, to put in requisition Mr. Hargrave's experience. With that view some desire that that gentleman be requested to visit the district, and to recommend to the Government to grant a certain sum, to enable him to succeed, or not; and if successful, to raise a handsome sum, to be given him for the discovery.

DREADFUL CATASTROPHES.—The accounts from Belfast this evening bring the following particulars of the falling of a mill, occasioned by a melancholy loss of life:—"A man, pained by the most melancholy in its consequences, had been engaged in the neighbourhood of Belfast for many years, occupied yesterday morning, near Beer's bridge, and within a short distance of this town. We allude to the falling in of a new preparing mill, the workmen were engaged in the following manner:—The work, which had been commenced in the month of October last, and rapidly approaching completion. The persons who have lost their lives (believed to be thirteen in number) were engaged in the following manner:—The carpenters and bricklayers, with a few labourers in the employment of the firm, who were at the time sinking a drain to carry off the water along the base of the column, and within the mill, they found that the mill was roofed, and the slating all but finished, and no cause can be assigned for the accident, save the supposition that the heavy rain of the previous night had loosened the brick-work to the mill, which the men were engaged to work of the beams. About a quarter-past six o'clock the workmen commenced their operations for the day, and they had not been long at work, and three-quarters of an hour at work, when the whole building which occupied what is feared a crash. The ruin was complete and instantaneous, and the unfortunate men, some of whom were employed in preparations for arching the second floor of the mill (which was three stories high, and about 80 feet in length), and others, as we have already described, were at once overwhelmed. Those in the lower apartments who had a slight warning afforded them time to escape, and the men upon the first floor, had, of course, the best chance, and most of them escaped with trifling injury. Not so, however, those whose business had brought them to the upper rooms. They were driven down, and covered, and the building materials, planks, and metal beams, which bore before them all impediments to the very basement story in a few seconds. A might be readily surmised, the noise of the falling was so terrific, and the shock so great, that the assistance, within a good distance of the spot became immediately available, and the work of endeavouring to extricate the unhappy men was set about with zeal and activity. The men, which the parties had been feared, last was pointed out, and the workmen commenced the task of searching them out among the debris. During the day, no fewer than seven persons were brought forth from the ruins alive, and with the aid of the police, and others, every attention which their condition required was paid them. Down to 6 o'clock in the evening, the remains of the following men were taken out:—Samuel Benson, John Magill, Patrick E. Kelly, John Sharpe, the prisoner John Seullion, and William M'Ilroy. It was then believed that seven others, named respectively Kelly, Lathers, Johnson, Bryson, Rea, and M'Anus, were still lying underneath the ruins, and that the only chance of their recovery was their extraction. We, however, saw a wholesale demolition of any structure occurred in the present instance. The two gables alone now stand of the entire edifice, and the stone and the timber of the interior fixtures having come down together. The appearance presented by the bodies was, I almost every case, truly appalling, owing to mutilations inflicted by the falling mass, and the sharp edges of the timber, which, when the deceased were truly heart rending. The loss to the proprietors, we understand, will amount to £3000.

BIRTHS.

On the 30th ult. at her residence, 21, Pitt-street, Mrs. W. J. Johnson, of a daughter.

On Thursday, the 5th instant, at her residence, Glebe Point, Mrs. E. W. Layton, of a daughter.

On Thursday morning, the 5th instant, at her residence, Bathurst-street, Mrs. George Hattray, of a daughter.

MARRIED.

By special license, on Thursday, the 5th instant, by the Rev. Dr. M'Garvie, D. D., M. T. A. Cowie, to Frances, third daughter of Mr. T. Kelsey, both of Sydney.

PRESBYTERIAN CHURCH EXTENSION AND COLONIAL MISSION SOCIETY.

A GENERAL meeting of Presbyterians and others, favourable to the formation of a Church Extension and Colonial Mission Society, to supply divine ordinances to persons residing in distant parts of the colony, and to afford moral and weak congregations, to be under the Synod of Australia in connection with the Established Church of Scotland—will be held in St. Andrew's Church, Bathurst-street, on Thursday evening, the 19th instant, at 7 o'clock.

The Very Reverend H. R. Gilchrist, Moderator, in the chair.

The objects of the proposed society will be fully explained in the addresses to be delivered on the occasion, by those gentlemen who have undertaken to move and second the various resolutions.

Ladies and the younger branches of families solicited to attend.

11187 JOHN M'GARVIE, Convener.

A NEW SONG.

Just Published,

AGNES,—O! I HAVE LOVED YOU ALL MY LIFE, inscribed to Charles Dickens Esq.

The subject of this ballad is taken from the beautiful passage in "David Copperfield," page 163.

Also, "DORA," of MY CHILD—WIFE'S FAIR WELL—companion Song to the above.

TO BE HAD ONLY AT

The Sydney Piano-forte and Music Warehouse, 47, Hunter-street, opposite the Union Bank.

N.B.—Either of the above Songs will be forwarded to any part of the country, upon the receipt of 26 penny postage stamps.

The largest collection of Music in the colony consisting of all the latest publications is in the above store.

The only Depot for Collard and Collard's Pianos:—Piano-fortes by Broadwood, Stodart, Mettler, Coles, and Pao. C. Gaffney & Co.

Seraphines, Harmoniums, Piano Melodists &c.

11145 H. MARSH, late of Jamison-street.

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